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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

TUESDAY, JULY 8, 2003

11:00 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Steven Jones, Chairperson

Carl Washington, Member

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Elliot Block, Acting Chief Counsel

Pay Schiavo, Deputy Director

Patty Wohl, Deputy Director

Eric Bissinger

Steve Boyd

Jerry Hart

Cara Morgan

Steve Uselton

Tabetha Willmon

ALSO PRESENT

Mark Cabrera, La Opinion Newspaper

Karen Coca, City of LA

Lily Lee, Waste Management

Sam Pedroza, Sanitation District of LA County

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1 PROCEEDINGS

2 CHAIRPERSON JONES: Good morning. Welcome to the
3 July 8th meeting of the Sustainability, Market
4 Development, and Planning.

5 We would like -- if anybody would like to speak
6 on an item, there are forms in the back of the room to
7 fill out. Bring them up to Ms. Bakulich here and she will
8 make sure we get it, so that you can speak.

9 We're going to get -- the Board has a closed
10 session at 1 o'clock today. So those making
11 presentations, know my routine. We need to move.

12 If anybody has any cell phones, if you could put
13 them on vibrator or shut them off, we would appreciate it.

14 MS. BAKULICH: Two o'clock closed session.

15 CHAIRPERSON JONES: Oh, I thought it was one.
16 Closed session is -- oh, it got moved to 1:30?

17 EXECUTIVE DIRECTOR LEARY: It was always 1:30.

18 CHAIRPERSON JONES: Oh, 1:30. Okay.

19 Regardless, we're done at 1 o'clock, so move.
20 Jeannine.

21 MS. BAKULICH: Yes, sir.

22 CHAIRPERSON JONES: Call the roll, please.

23 SECRETARY BAKULICH: Peace?

24 Washington?

25 COMMITTEE MEMBER WASHINGTON: Here.

1 SECRETARY BAKULICH: Jones?

2 CHAIRPERSON JONES: Here.

3 Thank you.

4 All right. Ms. Wohl, for your Deputy Director's
5 report.

6 DEPUTY DIRECTOR WOHL: Good morning. Patty Wohl,
7 Waste Prevention and Market Development Division.

8 I'd like to start out -- I believe Mark Leary
9 would like to respond to your request for information at
10 the last Board meeting regarding ideas for documenting
11 price reductions related to recycled content.

12 So I'll let him start then.

13 CHAIRPERSON JONES: Okay.

14 EXECUTIVE DIRECTOR LEARY: Thank you, Patty.

15 Good morning, Chairman Jones and Mr. Washington.

16 At the last Board meeting, Chair Jones, you
17 directed me to report back to this Committee on having
18 staff develop the documentation regarding cost saving
19 opportunities related to buying recycled products.

20 It was our kind of mutual understanding that we
21 ought to use that result in information to work with the
22 Secretary and the Governor's office to promote the
23 purchase of recycled content and other environmentally
24 preferable products in implementation of waste prevention
25 practices as a means to reduce the impact of the current

1 budget crisis.

2 In response to your request we've produced an
3 expandable chart that contains a number of case studies or
4 snapshots that identify several cost saving purchases and
5 practices. The first installment of these case studies
6 has been sent to the Board earlier this year and is on the
7 Board's Buy-Recycled website.

8 Sharing this price comparison data is also one of
9 the recommendations of the recent state agency
10 buy-recycled evaluation report completed by Green Seal,
11 which is of course on the Committee's agenda here today
12 and you'll be hearing about that in detail.

13 We continue to collect cost savings information
14 that will be formatted into additional case studies. But
15 one of our issues of course is resources, and we are
16 tasked with multiple computing priorities. But we're
17 going to wrestle with those priorities and take advantage
18 of the Green Seal report.

19 As an example of some of the cost opportunities,
20 I was frankly quite pleased and surprised to see some of
21 the opportunities that are out there in terms of recycle
22 buyer -- recycled content product procurement. In fact,
23 in the area of laser printer toner cartridges, you can buy
24 a remanufactured laser printer toner cartridge for \$48.90,
25 whereas a new one costs you about \$92.40, a savings of

1 about \$43 dollars per unit. In fact, in the fiscal year
2 2001-2 the Board itself purchased 120 remanufactured toner
3 cartridges instead of new cartridges and realized a
4 savings of \$5,200.

5 We've done studies about urban-derived compost
6 versus nonrecycled horticulture products. We've done
7 studies with recycled content latex paint. We've done
8 another study involving recycled content white computer
9 paper versus virgin paper. Thomas Properties has assisted
10 us by endorsing the use of reusable cloth liners for our
11 recycling bins, saving annually about \$20,000.

12 So there are a number of opportunities that we
13 have developed. And I think the critical step for us is,
14 together with the Green Seal report, we need to get some
15 of this word out better than we have in the past. And
16 we'll pursue doing that, as you've directed us to.

17 That concludes my response.

18 CHAIRPERSON JONES: Any questions, Mr.
19 Washington?

20 Okay. And I know especially with the budget in
21 the flux that it's in right now that staffing and staff
22 morale are huge issues. But I do think that after this
23 meeting we need to have a discussion about the ability to
24 maybe use some of these vendors that have been approved by
25 DGS to provide those products to figure out if through our

1 IMB and our Markets Group if we can't start figuring out
2 how to get price lists on the computer where the first
3 thing up is that recycled content and that the vendors be
4 responsible for keeping current pricing, so that there's a
5 comparison right away. I think that would be huge in --
6 it's not glamorous. It's not pretty. But if it saves
7 real dollars, it may save somebody's job, and that's
8 important.

9 So I think that we need to keep talking about
10 this.

11 All right. Thank you, Mr. Leary. I appreciate
12 that report.

13 Ms. Wohl, Item Number 15, or B, in your program.

14 DEPUTY DIRECTOR WOHL: Yes. Agenda item --
15 Committee Item B, consideration of the application to
16 renew the North Coast Recycling Market Development Zone
17 designation.

18 Staff recommends that the Board approve Option 1
19 and adopt Resolution number 2003-384.

20 And Steve Boyd is available if you have any
21 questions.

22 CHAIRPERSON JONES: I know Mr. Washington has
23 firsthand information on the Eureka RMDZ. So I will look
24 to him.

25 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I would

1 like to move adoption of Resolution 2003-384,
2 consideration of application for renewal of the North
3 Coast Recycling Market Development Zone designation.

4 CHAIRPERSON JONES: I'll second it.

5 Could you call the roll, Jeannine.

6 SECRETARY BAKULICH: Washington?

7 COMMITTEE MEMBER WASHINGTON: Aye.

8 SECRETARY BAKULICH: Jones?

9 CHAIRPERSON JONES: Aye.

10 Okay. We'll move this onto consent with a 2-0
11 vote.

12 I say that because Mr. Washington had to deal
13 with flooded roads and everything else to try to get to a
14 presentation for that North Coast for an awards and made
15 it.

16 Good work.

17 Item 16 is going to be held over for the full
18 Board?

19 DEPUTY DIRECTOR WOHL: Yes.

20 CHAIRPERSON JONES: That will be moved to the
21 full Board agenda.

22 Item 17, D in your program.

23 DEPUTY DIRECTOR WOHL: Right.

24 Consideration of final report for the State
25 Agency Buy Recycled Campaign evaluation.

1 And Jerry Hart will present.

2 MR. HART: Good morning, Committee members.

3 (Thereupon an overhead presentation was
4 Presented as follows.)

5 MR. HART: My name is Jerry Hart, and I'm in the
6 Buy-Recycled Section, here to make a short presentation on
7 Committee Item D, consideration of the final report for
8 the SABRC evaluation.

9 Last year we set aside some funds to hire Green
10 Seal to do an independent third-party evaluation of SABRC.
11 We've been in existence about ten years and we've made
12 some progress and we've had some successes. But we also
13 acknowledge the fact that there's an awful long way to go.
14 And as a staff, as a section, we'd take any comments and
15 suggestions to improve the efficiencies and success of the
16 program.

17 So Green Seal came in. They did a great number
18 of interviews. They hired -- interviewed about 60 people,
19 and in a very short period of time put together a report
20 that we thought was very helpful and beneficial; has a
21 large number of comments and suggestions, some of which we
22 agree with and would consider pursuing to implement, some
23 of which we don't think are the direction we'd like to go.

24 But we think the report was very well done and
25 certainly satisfies the terms and conditions of the

1 contract. So staff is suggesting that the Board approve
2 Option 1 and adopt Resolution 2003-395, which is the
3 acceptance of the SABRC evaluation report.

4 We put together a very brief PowerPoint
5 presentation that I could go through if that was your
6 desire.

7 CHAIRPERSON JONES: I think, Mr. Hart, most --
8 all the Board members read what was a very good report.
9 One of the issues today is that that report was what, 40
10 grand, 50 grand?

11 MR. HART: Right, 40.

12 CHAIRPERSON JONES: And these folks have made
13 quite a few trips out to California to make sure to do
14 their work. So staff was worried, should they be here to
15 present it? And I don't think so. I think you're doing a
16 good job.

17 The issues that Mr. Leary talked about with
18 respect to where there are advantages to using recycled
19 content, one of the recommendations in the SABRC report
20 from stakeholders was they'd like the ability to see where
21 those are so that they don't have to spend any work. I
22 think that's a key to an awful lot of programs that we do,
23 you know. Everything that deals with market development,
24 recycling, reuse, resource conservation is a huge issue to
25 us. And our stakeholders sometimes don't have that same

1 passion. So wherever there's an opportunity to show them
2 a reason to do it other than it's good, you know, for the
3 world, we need to take advantage of that.

4 So I think we need to be really looking at where
5 our opportunities are to create a web page with DGS on
6 pricing of that stuff and maybe involve the vendors, so
7 they can plug in current pricing so that when a
8 procurement officer for one of these agencies pulls up an
9 item on the screen, it's right in front of them. It's a
10 no-brainer. You know what I mean? It's going to take
11 the -- it's going to take the work that you have to do and
12 to try to force people to do this to meet these
13 requirements and make it an advantage, a tool to them.
14 And I think that's the direction that we need to be
15 thinking about. And I think it's consistent with what's
16 in that SABRC report.

17 COMMITTEE MEMBER WASHINGTON: And also, Mr.
18 Chair, I'd like to add that although I wasn't a member at
19 the time when there was discussions about the internal
20 tracking and reporting of purchases for the annual buy
21 recycling campaign, I support the grants. I believe that
22 they're critical and I think that the contracts and the
23 loans that we issue and the dollars that we give out
24 they're attracted and reported.

25 I also want to say that I support the 15 percent

1 points that are allocated for scoring criteria. I believe
2 it's critical that we say to those who are doing
3 recycling, "Thank you very much." And I want to say to
4 the staff, keep up the good work. And whatever I can do
5 to assist you in making sure all of our state agencies are
6 doing so, you certainly are welcome to call on me to
7 continue to help out. Hopefully we can get everyone to
8 buy into the recycling and everything that they do is
9 recyclable. Certainly helps us in the State of
10 California.

11 CHAIRPERSON JONES: Thanks, Mr. Washington.

12 Now I'm going to call on you to make the motion.

13 COMMITTEE MEMBER WASHINGTON: Thank you, Mr.

14 Chair.

15 I'd like to move Adoption of Resolution 2003-395,
16 consideration of final report for the State Agency Buy
17 Recycled Campaign evaluation (Contract Concept 80, Fiscal
18 Year 2001-2002).

19 CHAIRPERSON JONES: I'll second.

20 Substitute the previous roll.

21 And this is the acceptance of the report, so we
22 will put this on consent.

23 Is that okay?

24 COMMITTEE MEMBER WASHINGTON: Yes.

25 CHAIRPERSON JONES: All right. Item Number --

1 oh, now we go to -- that's it for you, huh?

2 DEPUTY DIRECTOR WOHL: Yeah, that's it.

3 CHAIRPERSON JONES: Now we go to Mr. Schiavo.

4 Mr. Schiavo, do you have a words of wisdom for us
5 in the form of a report?

6 DEPUTY DIRECTOR SCHIAVO: Just a few minor words
7 of wisdom. And I know you want to move forward quickly.

8 I just wanted to let you know that last week we
9 sent out a notice to all jurisdictions letting them know
10 that we have not received all the adjustment factors on
11 time. We don't expect some of the adjustment factors
12 until late October, which will delay the annual reporting
13 for 2002. We'll keep jurisdictions apprised. It will be
14 somewhat like last year where they can go ahead, fill out
15 their annual report and just withhold the numbers for
16 right now until we get that reconciled. So there's that.

17 Staff conducted disposal reporting workshops, the
18 June 24th down south in Diamond Bar and June 26th here in
19 Sacramento. We received several oral comments. We're
20 leaving the door open for written comments by July 18th,
21 and then we'll incorporate those into the second draft
22 disposal reporting regulations. And we'll keep you
23 updated on that progress.

24 CHAIRPERSON JONES: Mr. Schiavo, I have a
25 question on that.

1 We're getting input from all the jurisdictions
2 about the DRS, what it needs to look like. They're going
3 to become part of the foundation for what our next reg
4 package is going to look like.

5 When we see requests for basically full
6 manifests, do we have the opportunity to say that's not
7 going to be part of the regs?

8 DEPUTY DIRECTOR SCHIAVO: Sure. Yeah, we can
9 make -- the comments we incorporate -- we don't
10 incorporate all comments, but we respond to the comments
11 made. So if we don't think it's a good idea, we pretty
12 much say that in the process.

13 CHAIRPERSON JONES: And we give them other
14 options?

15 DEPUTY DIRECTOR SCHIAVO: And other options, yes.

16 CHAIRPERSON JONES: All right. My fear is that
17 we're going to make the tracking of waste so onerous that
18 it will help blow up AB 939. I'm saying that on the
19 record and I'm saying -- it's the second or third time
20 I've said it, but I'm getting more convinced that this is
21 unnecessary. I think it's necessary that the volume of a
22 truck that crosses city lines -- it's easy to know that 60
23 percent is City A and 40 percent is B or 60/20/20. Those
24 are easy things to do. Those trucks are dispatched. They
25 don't go down the street and pick up, you know, green

1 containers because they're green containers. But I think
2 when people start worrying about the numbers so much that
3 they want to include addresses and the number of cans,
4 we've made it a hazardous waste run, we've added so much
5 to it, and for what purpose? I mean it just doesn't make
6 any sense to me. And it just scares me as making it so
7 burdensome that people will reject ten years of effort.

8 DEPUTY DIRECTOR SCHIAVO: Yeah, one of the
9 comments made by staff when we begin the workshop process
10 is is that we do not intend to have a manifest system.
11 That's made very clear up front because that's not our
12 intent either. We have to have a moderation of getting
13 the best estimates possible without creating chaos.

14 CHAIRPERSON JONES: Right. And my remarks were
15 not directed towards our staff.

16 DEPUTY DIRECTOR SCHIAVO: I understand.

17 CHAIRPERSON JONES: My remarks were directed to
18 those that get overzealous in their attempts to quantify
19 waste sources.

20 All right. Sorry I interrupted, but --

21 DEPUTY DIRECTOR SCHIAVO: That's okay. That was
22 good commentary.

23 We also -- staff have developed a handout to be
24 used by facility operators as well as local jurisdictions,
25 letting people know the importance of waste surveys. It's

1 also presented in English and Spanish. So we're hoping
2 that tools helps. We're also looking at enhancing it
3 through electronic means.

4 Finally, SB 1066 status reports. We received 149
5 out of 150 status reports. There's just one outstanding,
6 and we're working on that one. So --

7 CHAIRPERSON JONES: Good.

8 DEPUTY DIRECTOR SCHIAVO: So now we can begin the
9 fun.

10 So we'll begin with Items -- unless you have
11 comments, Items 18 and 19 we'll have presented together,
12 are considerations to request changes in the base years to
13 2001 for the Town of Moraga and the City of Orinda, both
14 in Contra Costa County.

15 And Eric Bissinger will present.

16 MR. BISSINGER: Good morning, Board members. I'm
17 Eric Bissinger with the Office of Local Assistance, and
18 I'm presenting Agenda Items 18 and 19.

19 The Town of Moraga and the City of Orinda have
20 submitted requests to change their base year to the year
21 2001. As part of the base year study review Board staff
22 conducted site visits for both cities. As a result, no
23 deductions were made to diversion amounts for each city.

24 The site visit verification results can be viewed
25 in detail by referring to Attachment 3 of the agenda item

1 packet.

2 No extrapolation or business surveys were used to
3 calculate diversion amounts. This request is well
4 documented as generally consistent with Board standards
5 for accuracy. Therefore, staff recommends the Board
6 approve the request to change the base years for these
7 cities to year 2001.

8 Thank you.

9 CHAIRPERSON JONES: Is the city staffer here that
10 did the work from the City of Moraga?

11 MR. BISSINGER: He was invited, but I haven't
12 seen him yet.

13 CHAIRPERSON JONES: No problem. It's just --
14 this was pretty good work. I mean I looked at this. This
15 was good work. So since we hammer, I figure sometimes,
16 you know, we have to pat them on the back when they do
17 good.

18 MR. BISSINGER: I'll let them know.

19 All right. Any questions, members?

20 Mr. Washington.

21 COMMITTEE MEMBER WASHINGTON: No, sir.

22 Mr. Chair, I'd like to move adoption of
23 Resolution 2003-396, consideration of request to change
24 the base year to 2001 for the previously approved Source
25 Reduction and Recycling Element for the Town of Moraga in

1 Contra Costa County.

2 CHAIRPERSON JONES: I'll second it.

3 And substitute the previous roll?

4 On consent?

5 Okay. And then, Mr. Washington.

6 COMMITTEE MEMBER WASHINGTON: Resolution
7 2003-397, same consideration for the City of Orinda,
8 Contra Costa County.

9 CHAIRPERSON JONES: I'll second.

10 And substitute the previous roll?

11 On consent?

12 Thank you.

13 Item Number 20.

14 DEPUTY DIRECTOR SCHIAVO: Okay. Tabettha Willmon
15 will present a consideration of a request to extend the
16 due dates for the finalization of the compliance order
17 work plan for the City of MacFarland March in Kern County.

18 MS. WILLMON: Good morning.

19 At the January 2003 Board meeting the City of
20 MacFarland was issued a compliance order for not
21 sufficiently implementing programs to meet the 50 percent
22 diversion requirement for 2000.

23 The condition of the compliance order included
24 the following:

25 1) The city must work with the Office of Local

1 Assistance staff to determine gaps in the program areas
2 and make recommendations in improving, expanding, or
3 implementing new diversion programs;

4 2) The Office of Local Assistance staff will
5 conduct a needs assessment with the city and outline the
6 scope of a local assistance plan; and

7 3) The city will agree to the local assistance
8 plan by June 30th, 2003.

9 The city and the Office of Local Assistance
10 completed the first two conditions and have prepared a
11 draft local assistance plan. However, during the month of
12 May the city experienced a significant turnover in its
13 administrative staff whereby a new city manager was hired
14 effective June 1st. In addition, the city recently
15 replaced three members or half of its city council.

16 The new city manager is aware of the compliance
17 order and has met with the city's hauler to discuss
18 program implementations. And he's also distributed the
19 work plan to the city council. He's assured the Board
20 staff that he's committed to meeting all aspects of the
21 compliance order and work plan. However, he is requesting
22 additional time to completely review, comment, and sign
23 the work plan.

24 Staff feel the amount of time requested is
25 reasonable and we recommend approval of the extension

1 request.

2 That concludes my presentation. And I'd be happy
3 to answer any questions.

4 CHAIRPERSON JONES: Do they think August 31st is
5 enough time?

6 MS. WILLMON: As far as I know. I asked him what
7 would be -- you know, I put it on him to tell us how much
8 time they needed. Because really he's taken a look at it.
9 He just wants to be sure that they go through and they
10 know what they're committing to. They don't want to, you
11 know, sign it and then not be able to commit. So we just
12 have to work out some dates. I think it should be. It's
13 what he proposed.

14 CHAIRPERSON JONES: Okay. Any questions?

15 COMMITTEE MEMBER WASHINGTON: Yes. In terms of
16 this -- so what they're asking for is some extended time
17 because they had a staff turnover. What did the staff do
18 prior to the turnover to meet the prior extension we gave
19 them?

20 MS. WILLMON: We had been working with the prior
21 city manager. He knew he was going to be leaving. We had
22 gone down, had a meeting with the haulers, the city. We
23 did a full needs assessment where we took -- spent the day
24 in the city, went around, looked in all the -- you know,
25 what programs they had, where we feel that they could do

1 additional programs and get some additional diversion.

2 Board staff worked with the prior city manager to
3 develop the programs. We recommended numerous programs
4 for them to expand and implement. And it's pretty much --
5 all of the programs are in the work plan. It's a matter
6 of working out with the hauler the dates.

7 So I believe the hauler had seen the work plan
8 before the new city manager came on. But the old city
9 manager, they hadn't finalized any dates with the hauler.
10 So basically we're at the point where we just need to get
11 some implementation dates set.

12 COMMITTEE MEMBER WASHINGTON: All right. Mr.
13 Chair, I'd like to move adoption of Resolution 2003-401,
14 consideration of a request to extend the due date for
15 finalization of the compliance order work plan for the
16 City of MacFarland in Kern County.

17 CHAIRPERSON JONES: I'll second.

18 Substitute the previous roll?

19 On consent?

20 Okay. So noted.

21 DEPUTY DIRECTOR SCHIAVO: Okay. Item Number 21
22 is an oral presentation by the sanitation districts of Los
23 Angeles County regarding a report on community outreach
24 program strategies that was funded by the Board.

25 And Sam Pedroza representing the sanitation

1 districts will make this presentation.

2 MR. PEDROZA: Thank you.

3 It's my pleasure being here on behalf of the
4 sanitation districts before this Committee.

5 (Thereupon an overhead presentation was
6 Presented as follows.)

7 --o0o--

8 MR. PEDROZA: Okay. The purpose of the program
9 was to make sure that all community members would take
10 advantage of all the AB 939 inspired programs, the waste
11 reduction and recycling programs, all the reduce, reuse,
12 recycle educational programs. And with that in mind,
13 making sure that the diversity of the communities, and
14 especially in Los Angeles County, how can -- what kind of
15 things can we do to make sure that no one's missing the
16 boat.

17 So what we did is we -- the goal was to do the
18 outreach and then also to identify organizations that
19 typically aren't involved in these type of programs,
20 non-governmental or community-based organizations.

21 --o0o--

22 MR. PEDROZA: So the tasks were to produce a
23 report, produce an outreach brochure, and then some
24 recommendations on how to get those out.

25 --o0o--

1 MR. PEDROZA: So what we started doing is a
2 four-step procedure. First we evaluated current outreach
3 programs. We also conducted a literature search,
4 conducted a survey of public information officers and
5 community outreach directors, and we also had interviews
6 with outreach professionals to see what kind of things
7 have worked for them in their programs.

8 --o0o--

9 MR. PEDROZA: So the first part was doing some
10 interviews with three cities and the County Department of
11 Public Works. We met with El Monte, South Gate, and
12 Pasadena to see what type of programs that they were
13 working with and what type of things they were currently
14 utilizing.

15 We saw that they work closely with their trash
16 collectors or contractors. And they did use Spanish
17 radio, newspapers for their Spanish-speaking populations.
18 And they did a lot of straight translations from existing
19 documents. So these were common things that we're seeing
20 with the --

21 COMMITTEE MEMBER WASHINGTON: How long did they
22 run, Sam? For the radio and newspaper, how long did those
23 commercials or whatever your presentations run?

24 MR. PEDROZA: What we heard from the County
25 Department of Public Works is the paying on the program,

1 like their oil recycling program, the campaigns were
2 sporadic. They weren't for a set period of time.

3 But that wasn't what -- we didn't really get a
4 clear space of time on how long the programs were.

5 COMMITTEE MEMBER WASHINGTON: And I asked because
6 it reached the County of L.A. And the communities that
7 you're serving, to run two or three of those campaigns on
8 a radio is not going to do it.

9 MR. PEDROZA: Right, right.

10 COMMITTEE MEMBER WASHINGTON: So that's why I was
11 asking. Did you guys do it 20 times or is it expanded
12 over a month period of time that there was a number of
13 hits that you did? How many times did it show up in the
14 Spanish newspaper? Do you have any copies of those papers
15 so we can see what the article looked like where -- is
16 there anything that grabs people's attention that kind of
17 says, "Hey, read this."? Those type of things are
18 critical, to understand how much work is really being put
19 in this and not just bringing something to this Board
20 saying, "Hey, we did community outreach and just trust us
21 on it."

22 MR. PEDROZA: Right. And that's what we wanted
23 to see. So when we talked to the Department of Public
24 Works and the cities -- some of the cities to see what --
25 we wanted to first see what was going on first.

1 And that's what the first part of the -- of what
2 our program consisted of. The second part was to see what
3 type of literature is out there already. And we didn't
4 get too much on that.

5 COMMITTEE MEMBER WASHINGTON: You didn't get too
6 much on what?

7 MR. PEDROZA: We didn't find too much on the
8 literature search.

9 Every time we would look for literature search on
10 how does non-English speaking communities get information
11 on solid waste, we were getting a lot more environmental
12 justice type of hits. So that was something that -- in
13 other words, the area study is limited, that -- so we did
14 find a really good study from the Integrated Waste
15 Management Board, they produced back in October of 2002,
16 which studied the minority communities and the waste
17 stream. And that was a very helpful document.

18 But, like I said, the document search was leading
19 us into different paths.

20 The third part was to conduct a survey of public
21 information officers and also community outreach
22 directors.

23 --o0o--

24 MR. PEDROZA: And what we started seeing is
25 that -- what we did is we put together a survey, which is

1 included in your packet. We sent that survey out to all
2 the 88 cities, to both the community outreach directors
3 and the public information officers, to see what are the
4 things that they're doing specifically for non-English
5 speaking communities. And that's probably more along what
6 your question was about.

7 What we found is, of the respondents, 50 -- we
8 got 50 out of the 88 cities responding back to our survey.
9 Eighty-two percent of the respondents said that they do
10 outreach in Spanish. Four point five in Chinese and four
11 point five in Korean. And the Korean was a little
12 surprising.

13 The -- and basically consisted of
14 translated brochures, existing brochures that they already
15 have, pamphlets and other informational items. And they
16 provided this information at libraries and community
17 centers.

18 They also were very involved with ethnic type of
19 events like Cinco de Mayo or Asian festivals.

20 --o0o--

21 MR. PEDROZA: But there was a minimal involvement
22 with non-English speaking organizations. Again, like the
23 community-based type of organizations. We didn't see a
24 lot of tie-in in regards to solid waste.

25 --o0o--

1 MR. PEDROZA: Then the last part of our research
2 consisted of an interview with outreach professionals. We
3 met with Lily Lee from Waste Management and also Marek
4 Cabrera from La Opinion Newspapers. And from that
5 interview we were hearing that the message needs to be
6 molded. When we're providing a message on solid waste to
7 like Spanish-speaking communities, the message needs to be
8 molded. An example that was used is the "Got Milk"
9 campaign. The "Got Milk" campaign in Spanish was
10 translated to "Are you lactating?" So the message was
11 reworked to say, "Family, love and milk."

12 (Laughter.)

13 MR. PEDROZA: So those are some of the things
14 that we need to be careful of when we're outreaching to
15 non-English speaking communities.

16 The other thing was guerilla marketing or
17 grass-roots type of campaigning. And this was going,
18 again, to the community-based non-governmental
19 organizations.

20 And there was discussion about the use of
21 television and radio, which is the more popular means of
22 getting information to non-English speakers. But the
23 difficulty with that is the cost and the cost factor
24 involved with that. So, again, it's the grass roots.

25 We also were hearing that cartoon messages were

1 very universal. Not only do they appeal to the kids, but
2 they're also interesting to the adults. There's a lot of
3 neat things that you could do with cartoons.

4 But the key part was the sincerity factor. Which
5 there's some hesitancy when people don't really know how
6 the government works. And they either don't understand
7 what city government is or what, you know, the state or
8 what have you. But to come in and be able to participate
9 with these organizations and be very sincere about it,
10 then you can build that trust relationship, which is what
11 we're trying to get at.

12 --o0o--

13 MR. PEDROZA: So with all that in mind we put
14 together the outreach brochure where we explained the
15 trash process. We did use a cartoon graphic. We also put
16 in a piece in there on how to request more information and
17 a reference guide.

18 --o0o--

19 MR. PEDROZA: The piece is customizable for
20 counties and cities. And we were really looking at it as
21 a way to answer the most common question coming from the
22 sanitation districts. The most common question that we
23 get asked is, "Do you pick up our trash?" So we kind of
24 aimed it in that direction. So we kind of put it into an
25 educational -- as an educational format.

1 And like it was mentioned, the one you have in
2 front of you is the English version.

3 --o0o--

4 MR. PEDROZA: We have it in Asian -- or Chinese
5 and Mandarin dialect.

6 --o0o--

7 MR. PEDROZA: And then in Spanish. And our
8 graphics department over at San Districts, you can see
9 they superimposed appropriate looks to the brochures.
10 But --

11 COMMITTEE MEMBER WASHINGTON: Yeah, I can see
12 Steve Jones in one of those, with that shirt on.

13 (Laughter.)

14 CHAIRPERSON JONES: I've got a shirt just like
15 that.

16 (Laughter.)

17 MR. PEDROZA: You've got to have that shirt too
18 to throw the trash out.

19 So what our recommendations are, being consistent
20 with our community participation, any city, any
21 organization that's doing solid waste education. If
22 you're going to be involved in a Cinco de Mayo event, be
23 involved in a Cinco de Mayo event every year.

24 --o0o--

25 MR. PEDROZA: The picture in there is an Asian

1 festival that we're a part of each over year over at the
2 L.A. County Fair.

3 Also establish a sincere and direct approach.
4 Never try to fool the public. You know, that's pretty
5 standard stuff. And none of this is real mind blowing,
6 but it's -- that's no matter in what language. But,
7 again, with Spanish speakers you sometimes -- once you
8 lose credibility, it's one of those things that you never
9 get back or really hard to get back.

10 Identify community-based organizations. The logo
11 there is from the Mothers of East L.A., Santa Isabelle.
12 And that's a very involved organization. Sometimes it's a
13 lot easier to go to the CBO than it is to the city. You
14 go to the community-based organization because that's
15 where the Spanish speakers go when they want information
16 from the city. So you go to that source and you build a
17 relationship with the CBO. Then you can lead -- that
18 leads to the relationship with the community.

19 Avoiding blanket distribution. The leaving of
20 the documents at a library isn't as effective as being
21 able to give a presentation to a community group and
22 handing it out in person, establishing, again, that
23 lasting community connectivity.

24 So those were the things that we saw in our
25 survey.

1 And any questions?

2 COMMITTEE MEMBER WASHINGTON: I don't have any.

3 CHAIRPERSON JONES: I appreciate this work. And
4 I think it's good fulfillment of the contract that you
5 guys -- you know, that we helped fund this and that you
6 got it done.

7 The one thing that I notice -- I think it made a
8 lot of sense for L.A. County, you know, for the 88 cities
9 and the county because it's such a diverse set of systems,
10 where -- I mean waste is moving all over the place,
11 recyclables are moving all over the place. It's pretty
12 hard to get too specific.

13 The one thing that I didn't see when I read it,
14 when you talk about recycling and reusing and things like
15 that, the one message that may be helpful in the future is
16 to continue to reinforce that recyclables need to be kept
17 clean. When they commingle those, keep the garbage out of
18 the recyclables. There are cities that have programs that
19 are an absolute joke because they don't deal with it.

20 And, you know, I mean -- so I think when you use
21 something like this and you're telling them what the
22 future's going to be, which is the rail haul, and that
23 there's a series of MRFs, there's a series of programs
24 available, and some of those programs have changed to the
25 three-can system, you know, it might be worth just talking

1 about keeping those materials clean. Because what happens
2 if you don't is that recyclable becomes garbage. So, you
3 know, it's a message that needs to continually be
4 reinforced. Otherwise programs aren't going to success.

5 Other than that -- that would be my only
6 suggestion.

7 MR. PEDROZA: Thank you.

8 CHAIRPERSON JONES: Thanks. Good job.

9 Mr. Schiavo.

10 DEPUTY DIRECTOR SCHIAVO: Okay. Item Number 23
11 is a discussion and request for direction on process for
12 evaluation of SB 1066 final reports and determination
13 regarding jurisdictional compliance.

14 And Cara Morgan will present.

15 MS. MORGAN: Today the Board has approved 150
16 extension requests. As a product of each request
17 jurisdictions are required to submit status reports and a
18 final report to the Board.

19 Staff is seeking direction from the Board on the
20 process for evaluating a jurisdiction's progress and
21 determining compliance at the end of the extension.

22 During the extension period staff are
23 recommending, if a jurisdiction needs to modify their
24 planned program implementation during the extension
25 period, they would submit a revised application for the

1 Board to consider. If a jurisdiction is not implementing
2 their plan or significant portions, the Board could end
3 the extension and commence the biennial review, which
4 could lead to issuing a compliance order.

5 In determining jurisdiction's compliance at the
6 end of the extension, staff recommend the following
7 scenarios -- and these are detailed beginning on page
8 23-5:

9 Jurisdictions meeting the goal and implementing
10 all of their programs would go to the next biennial review
11 cycle.

12 With respect to scenarios 2 and 3, jurisdictions
13 that fully implement their programs and did not meet the
14 diversion goal or those that met the goal but didn't fully
15 implement their programs would have to provide to the
16 Board justification how they made all reasonable and
17 feasible efforts to implement their programs.

18 In these cases the Board could move these
19 jurisdictions to the next biennial review cycle, to be
20 considered as good faith effort or if a rural
21 jurisdiction's petition for reduction; or, if warranted, a
22 second time extension may be needed.

23 Some jurisdictions have addressed an interest in
24 joining a regional agency as a part of their extension
25 request. Because joining a regional agency may allow

1 jurisdictions to meet the diversion mandate, these
2 jurisdictions may decide not to fully implement their
3 programs. However, jurisdictions joining a regional
4 agency would still be required to fully implement their
5 plan of correction or goal achievement plans, because
6 statute prohibits the forming of or joining in a regional
7 agency where it would result in a reduction in diversion
8 programs.

9 If a jurisdiction does not appear to be
10 implementing all of their programs, they will need to
11 provide information to the Board regarding their failure
12 to implement their plan. In that case, the entire
13 regional agency could then be placed on a compliance order
14 if the Board finds the jurisdiction in question is not
15 fully implementing their plan. The reason for this is
16 that the individual jurisdiction's plan of correction or
17 goal achievement plan would have been incorporated into
18 the regional agency's program implementation requirements.

19 For jurisdictions that did not fully implement
20 their plan nor met the diversion requirement, they would
21 be expected to provide full justification as to why their
22 programs were not implemented. This is in reference to
23 scenario 4, which we've laid out in the agenda item.

24 For jurisdictions that demonstrate they made all
25 reasonable and feasible efforts, they could possibly be

1 granted a good faith effort or a petition for reduction in
2 the case for rural jurisdictions. Or if more program
3 implementation is warranted, a second extension could be
4 granted.

5 However, for jurisdictions that do not provide
6 sufficient justification, they would proceed to a biennial
7 review and could be issued a compliance order that could
8 result in fines. This would also apply to regional
9 agencies.

10 This concludes staff's presentation. Are there
11 any questions?

12 CHAIRPERSON JONES: Mr. Washington?

13 COMMITTEE MEMBER WASHINGTON: No.

14 CHAIRPERSON JONES: I will just make a couple of
15 comments. That, number 1, I think your scenarios are
16 right. I think that -- you know, we've been very careful
17 that it's never been just the number. It's been the
18 programs, and we've got to stay true to that. I know
19 there were some good faith efforts that went out with some
20 pretty low diversion numbers, but they had great programs
21 and great program participation.

22 So what I see is the scenarios make sense to me
23 for the extensions.

24 I am wondering though on some of these bigger
25 regional agencies how we're going to actually be able to

1 figure out in two or three years if these cities are
2 really doing the programs or if they're just relying on
3 the big one to -- that's going to be a problem. But I'm
4 hoping that you guys are -- as long as we deal with a
5 small individual and make sure the programs that they say
6 they're doing are in place and there's participation, that
7 would seem to be pretty straightforward.

8 COMMITTEE MEMBER WASHINGTON: Have you guys came
9 up with a scenario partly in terms of how to address that?
10 Just, for instance, we got one coming up now, I think the
11 L.A. Regional Authority. In theirs they have about 17
12 cities. And I guess what Board Jones -- and I'm saying
13 the same thing -- is that it's very difficult to figure
14 out how you get in here and figure out what program's
15 working and what's not working. Have you guys kind of
16 went through this and came up with a way to address this?

17 MS. MORGAN: Yeah, I think our strategy is very
18 similar to what we've been doing with biennial reviews.
19 We plan to review jurisdiction status reports.

20 And in the case of the regional agency, we would
21 still expect that they would report on the individual
22 jurisdiction's program implementation. We plan on-site
23 visit reviews where we can actually go out and see the
24 program implementation, as well as we're expecting to
25 receive documentation that would include, you know,

1 numbers, results. You know, if they're expanding a
2 curbside program, we would expect to see tonnage reports,
3 on the improvements of those programs, examples of their
4 public education efforts, et cetera.

5 So we do plan to review each of those individual
6 jurisdictions even if they are a part of a regional
7 agencies, as well as the other, you know, hundred-plus
8 jurisdictions. So it will include both the review of
9 status reports, final reports, documentation, as well as
10 site visit reviews.

11 CHAIRPERSON JONES: Okay. Because that would be
12 no different than anywhere else. It's just a bigger
13 territory.

14 I think it's important because as we get letters
15 in from people endorsing the agency formation, every one
16 of them's got a paragraph in there saying that the
17 regional as a whole has met the numerical mandate.

18 So my responses have always been, it's not
19 numbers, it's programs. And your particular city is on a
20 compliance order, so you ain't off the hook, pal. In
21 fact, now the whole agency's going on a compliance order.

22 COMMITTEE MEMBER WASHINGTON: -- not off the
23 hook.

24 CHAIRPERSON JONES: So I think it's important
25 when we're dealing with the way -- I fully approve of the

1 options and the scenarios that you've laid out for the SB
2 1066. So I have no problem with accepting of this.

3 COMMITTEE MEMBER WASHINGTON: That's fine.

4 CHAIRPERSON JONES: Okay. Just for a bit of
5 clarification. As you noticed, everybody's scrambling as
6 we went from Item 21 to 23.

7 Mr. Block, 22 wasn't actually pulled I guess, was
8 it?

9 DEPUTY DIRECTOR SCHIAVO: Yeah, it --

10 CHAIRPERSON JONES: Maybe it was. But we don't
11 have the information.

12 So 22 has been pulled. And we'll come back at
13 some other time as it gets worked out, for those of you --
14 I don't know if everybody got notice of the pull. We
15 didn't -- I didn't. I mean I did, but I didn't, you know,
16 think about it. There was enough panic, I thought I'd
17 bring it up.

18 All right. Item Number 24.

19 DEPUTY DIRECTOR SCHIAVO: Okay. Actually Items
20 24 and 25 will be combined. And the first part of the
21 item will be consideration of the Los Angeles Area
22 Integrated Waste Management Authority. And then the
23 second part of the item will be actually consideration of
24 issuance of a compliance order relative to the authority.

25 And Steve Uselton will present this item.

1 MR. USELTON: Good morning, Committee members.

2 Public Resources Code Section 409-70 allows
3 cities and counties to form a regional agency for the
4 purpose of meeting the state's waste diversion goals. A
5 joint powers agreement was formed on February 4, 2003,
6 between 15 cities within Los Angeles County, including the
7 cities of Artesia, Beverly Hills, Duarte, Gardena, Hidden
8 Hills, Los Angeles, Lynwood, Manhattan Beach, Pomona,
9 Rancho Palos Verdes, Redondo Beach, Rosemead, Sierra
10 Madre, South Gate, and Torrance.

11 The JPA has requested the Board consider the
12 formation of a regional agency for the members of the JPA.
13 If approved by the Board as a regional agency, the agency
14 will be responsible for compliance with the waste
15 diversion requirements set forth in Public Resources Code
16 Section 41780.

17 Staff has determined that by combining the
18 Board-approved base-year information for the member
19 jurisdictions, the proposed regional agency diversion rate
20 would be 56 percent for the year 2000.

21 Board members were provided last week with a
22 spreadsheet summarizing the regional agency member status
23 in meeting diversion requirements.

24 As noted in the agenda item, nine of the proposed
25 regional agency's members have SB 1066 extensions, and

1 three of its proposed members are on compliance orders.
2 Recognizing the emphasis that the State Legislature has
3 provided on program implementation and previous
4 determinations of this Board with regard to program
5 improvements needed by many of the member jurisdictions of
6 the requested regional agency, staff recommend that if the
7 Board approves the regional agency, it also place
8 conditions to require that program activities specified in
9 each member city's approved compliance order or time
10 extension be completed and all programs implemented.

11 Adding the noted condition will provide
12 additional clarity to the Board's expectations that member
13 jurisdictions maintain effective diversion programs.

14 Board staff and legal counsel have reviewed the
15 regional agency agreement and determined that all
16 statutory provisions of the Public Resources Codes have
17 been met.

18 Staff recommends the Board adopts Option 2 of
19 Agenda Item 24, Board authorization of the regional
20 agency, conditioned with the requirement the program
21 activities specified in participating cities'
22 Board-approved compliance order or time extensions must be
23 fully completed.

24 There was an error in Agenda Item 24 that has
25 been corrected. The correction will remove an erroneous

1 mention that the County of Los Angeles is included in the
2 Joint Powers Agreement. The County of Los Angeles is not
3 part of the JPA or proposed for inclusion in the regional
4 agency.

5 Board staff is asking the Board to consider
6 concurrent to the formation of the regional agency an item
7 to consider issuance of a compliance order relative to the
8 Los Angeles Area Integrated Waste Management Authority
9 regional agency.

10 Three members, City of Gardena, City of Lynwood,
11 and City of Torrance, of the requested regional agency are
12 currently on board-approved compliance orders for failure
13 to adequately implement programs to achieve California's
14 diversion requirements. The regional agency if approved
15 will serve as the reporting authority for purposes of
16 California's diversion requirements. And Board staff
17 recommends that the regional agency be issued a compliance
18 order upon its formation in order for the Board to
19 maintain its authority to enforce actions prescribed in
20 statute and those stated within relevant existing
21 compliance orders. This direction of responsibilities is
22 consistent with the approach that would be used in the
23 event of any potential future enforcement actions that may
24 occur with respect to any regional agency established in
25 support of achieving diversion requirements.

1 Board staff recommends that the Board find the
2 regional agency is the responsible authority for any of
3 the regional agency's members that are on compliance order
4 for not adequately implementing Source Reduction and
5 Recycling Element programs and approve the order of
6 compliance included in Item 25.

7 A representative of the Joint Powers Authority,
8 Karen Coca of the City of Los Angeles' Bureau of
9 Sanitation, is present to answer any questions.

10 And that would conclude my presentation.

11 CHAIRPERSON JONES: Mr. Washington.

12 I have a couple of questions before the witness
13 comes up.

14 The agreement between the members of the JPA is
15 part of what you all view to determine whether or not
16 there was a foundation to validate this joint powers? Is
17 that a condition that they show you that?

18 STAFF COUNSEL BLOCK: Well, actually -- yes. The
19 regional agency agreement is in fact -- the form that it's
20 in is this Joint Powers Authority. And the statute
21 requires that the regional agency be formed through a
22 joint powers agreement. So we review that to make sure
23 that it meets the statutory requirements for that.

24 CHAIRPERSON JONES: Okay. And I'll invite Ms.
25 Coca up. I may -- my question may be better answered by

1 you than them, but I'll ask it anyway. And then I'll give
2 you all the time you need.

3 There are areas throughout this contract that
4 talk about that members could be added or deleted. If a
5 member is deleted because they are, let's say, the genesis
6 of the compliance problem, they've done nothing, they're
7 part of the agreement -- they're part of the authority.
8 The contract basically says that while they were part of
9 the authority they're liable for, you know, whatever their
10 actions were.

11 But do we necessarily -- I mean can they remove
12 them without our approval?

13 STAFF COUNSEL BLOCK: There's basically sort of a
14 two-step process, if you will. The JPA exists on it's own
15 regardless of whether it's a regional agency. Right, it's
16 approved by the Board. And then separate from that we're
17 looking at that JPA to approve its use in terms of
18 complying with our requirements, how we're going to view
19 those.

20 So while they work together, in a sense they're
21 sort of separate. So the JPA under its own terms,
22 certainly they can add and remove members to the JPA
23 through the mechanism of the JPA. However, in terms of
24 the Board's review of compliance with our requirements,
25 those jurisdictions aren't added or subtracted from the

1 JPA acting as a regional agency until the Board approves
2 that.

3 So it's kind of confusing to have to answer it
4 the way -- in the long run the short answer is at some
5 point the Board's got to approve or disapprove that if
6 it's somehow affecting compliance with our act. But
7 there's sort of a couple of steps till you get there.

8 I don't know if that answers your question or
9 not.

10 CHAIRPERSON JONES: Because it's my sense that
11 the regional agency should be used as a tool for us. I
12 mean if they've got a member that's recalcitrant, rather
13 than just dismiss them as part of the JPA, you know -- I
14 mean it seems to me then an awful lot of local pressure
15 gets put on because they in fact were part of the
16 membership that agreed to all these conditions. So I'm
17 not so sure that I want to see them just, you know,
18 automatically kicked out if they're messing up.

19 What does the JPA -- how do they view -- I mean
20 you got some potential for some interesting scenarios.

21 MS. COCA: Yes, we do.

22 Good morning.

23 First of all, are those microphones on up there?
24 Because when Board Member Washington was talking, you
25 couldn't hear it over the microphones. So just to check

1 and make sure you're actually recording.

2 CHAIRPERSON JONES: Okay. Who are you?

3 MS. COCA: My name is Karen Coca. I'm with the
4 City of Los Angeles. I'm here for Agenda Items 24 and 25.

5 I won't go into my little spiel until I -- and it
6 will be short. I promise.

7 Basically the members that are forming this
8 regional agency are not forming it to get out of their
9 compliance with AB 939. That was not the intent. It's
10 been stated several times in the agreement and all the
11 members know it.

12 I think they were getting together to get some
13 assistance. There's a lot of barriers for some
14 jurisdictions -- practical, financial, political, staff
15 related. You have one staff person doing six different
16 things. They just don't have the time to get the
17 knowledge base.

18 I think that that's what they're looking for.
19 And, in fact, I have a pretty good example, something that
20 was brought to my attention last week, that we've been --
21 I think will be instrumental in helping the Waste Board
22 staff get what they need from a jurisdiction. And I'll go
23 into that.

24 The obligation of a city to implement its
25 programs is not going to go away, but we -- and we feel

1 that if we put on -- if pressure is brought on by Waste
2 Board staff, we've had Waste Board members offer to go to
3 these jurisdictions, if they just flat out do not do the
4 things that they're promising everybody that they're going
5 to do, I feel that we will have no choice. But as far as
6 bringing pressure to bear locally, you bet.

7 I think also offering assistance and not just
8 looking at it as a punitive matter, but going at it as
9 assisting them in meeting their goals, because I don't
10 think anyone wants to be on compliance. I don't think
11 they want to have the 1066 extensions either.

12 So I think that satisfying the requirements is
13 going to be our first goal.

14 CHAIRPERSON JONES: Yeah, I'm not so sure that we
15 want to just -- we have a pretty good record of trying to
16 get people into compliance. But I know what you mean. We
17 don't want to just use this as punitive. But there's
18 one -- you've got a Section 14 that talks about the member
19 jurisdiction SRRE implementation. It says, "Each member
20 of the agency is responsible for and shall continue to
21 implement diversion programs and their adopted and
22 approved SRREs that are specific to the jurisdiction.
23 Failure to implement these programs will provide cause to
24 terminate the agreement with respect to the jurisdiction."

25 So if they choose -- if we make a finding that

1 they're not doing their programs, that's grounds in your
2 contract to terminate them from the agency.

3 MS. COCA: Yes.

4 CHAIRPERSON JONES: So then if we're doing --
5 let's say we're doing the biennial review for the year
6 2004. And we're going through, and in fact this
7 jurisdiction and a few others didn't have the programs,
8 the whole agency would be considered not in compliance.

9 MS. COCA: That's right.

10 CHAIRPERSON JONES: This clause, it says they
11 should be terminated and kicked out, what does that do to
12 our ability to make sure that everybody is on compliance
13 or working towards compliance?

14 STAFF COUNSEL BLOCK: Well, it's a little bit of
15 a difficult question to answer in the abstract. I don't
16 think it ultimately prevents us from dealing with the
17 failure to comply. It may get a little bit interesting in
18 terms of just exactly how it happens. Section 12 of the
19 Joint Powers Agreement, which is on the page before the
20 section you just read, talks about -- well, actually
21 that's -- I take it back. That's voluntary withdrawal.

22 There's a -- Karen will probably know off the top
23 of her head if it's 90 or 180 days. But there's certainly
24 a time period in some notice required for kicking
25 jurisdictions out of the JPA that would factor into

1 exactly what we're doing. And it's going to depend on
2 what our evaluation is. The compliance orders, for
3 instance, will always have a time period for addressing
4 that issue. And so that's why -- it will just get fairly
5 complicated in terms of the timing.

6 If we ever get to that point, it's one of the
7 things we'll do in taking that next step to make sure that
8 we are crafting our action in a way that somehow doesn't
9 accidentally miss what we're trying to take care of.

10 You know, it certainly is a complicated fact,
11 that that actually, you know, theoretically exists with
12 all regional agencies right now that don't go -- start off
13 with folks on compliance orders. If we issued one to a
14 regional agency, they could theoretically respond by
15 kicking one jurisdiction out. And, you know, we always
16 have to be aware that as a possibility. So --

17 CHAIRPERSON JONES: I appreciate that. I think
18 there's enough language in this contract that the agency
19 clearly is trying to make sure that doesn't happen. But
20 I'm -- my concern is that -- you know, we deal with folks
21 all the time that make demands or assertions and, you
22 know, so we always get to deal with the consequences of
23 any of our actions.

24 And I just want to make sure that we're not, you
25 know, going down a road that's going to, you know, that's

1 later going to have four or five jurisdictions telling us,
2 "Hey, you know, you can't do anything because..." And I
3 just want to make sure that we're dealing with this the
4 right way.

5 MS. COCA: Well, and I think that -- I agree.
6 You know, the City of Los Angeles is in compliance. Not
7 only that, we're implementing a lot of new programs. This
8 certainly was not formulated with that intent. We do have
9 an interesting situation in that three of the proposed
10 cities in the JPA are under compliance orders right now.

11 But I think that you will see in very short
12 order, and, in fact, we've already started with one of
13 them, because they had a change -- a major change in their
14 hauler situation, that we can facilitate maybe some of the
15 communication, because our channels are different in
16 communication.

17 So we can act as an assistance. Because our
18 overall goal is to get more material out of the landfills.
19 I mean that's what AB 939's all about.

20 CHAIRPERSON JONES: Right.

21 I want to ask you one more question before I turn
22 over your thing, if you don't mind.

23 MS. COCA: Absolutely.

24 CHAIRPERSON JONES: The DRS system has always
25 been a bone of contention in southern California. You and

1 I have had discussions where, you know, I have a certain
2 thought on the source -- or the generation of some
3 material that gets assigned to other places. The agency
4 is going to be accumulating information that the landfill
5 system or transfer station system is going to supply to
6 the agency or to each city and they'll submit it?

7 MS. COCA: Actually both. They will submit
8 information both to the agency and to the cities.

9 CHAIRPERSON JONES: Is there -- the DRS system
10 seems to be the place where AB 939 compliance can be most
11 easily achieved if you do it numerically by assigning
12 waste to other jurisdictions; therefore, making some
13 jurisdictions pay a heavier penalty in programs because
14 the waste that wasn't theirs is now theirs or has been
15 assigned to them.

16 Has the agency contemplated programs to help,
17 maybe not validate source, but at least try to figure out
18 if the weights that are being assigned to the
19 jurisdictions even come close to what was done in the
20 latest base year?

21 MS. COCA: Not through the agency. But if you're
22 talking -- let's just take as an example the City of Los
23 Angeles. What we're doing internally -- we just went
24 through and started a non-exclusive franchise system where
25 we actually permit our private haulers. We've never done

1 that before. And obviously it's in the beginning stages,
2 the most painful, where not only do they have to pay a
3 franchise fee, but they have to report. It's the first
4 time.

5 So as far as our jurisdiction goes, we're
6 starting to monitor what they pick up -- and we do have
7 the address lists since they are our permittees -- by
8 address what they pick up, whether it's in our city, and
9 where it goes. And eventually -- I can't promise it in a
10 short period of time, but eventually we're going to sort
11 it out, and that will be how we will track it. And we'll
12 see how close the disposal number comes.

13 I know a lot of other jurisdictions have done
14 audits, and get those letters on an occasional basis
15 saying there was 3,000 tons and, you know, things like
16 that. So I know that other cities are doing it.

17 For us, the logistics involved mean it's going to
18 be a little bit longer process. But we're going to work
19 on it.

20 CHAIRPERSON JONES: Well, I bring it up -- you
21 covered one of the reasons, your franchise fees. And one
22 of the reasons that I brought it up was not only what I
23 had said before, but you're going to be funded on 15 cents
24 for every ton that is landfill by these jurisdictions. So
25 if a hauler or a city determines that they don't either

1 want to -- two things. They could be motivated by two
2 things: 1) They don't want to pay the 15 cent fee; or 2)
3 They would just as soon the waste got allocated to their
4 neighbor. You're not going to meet your funding levels.

5 So I just bring it up -- it's bothersome to me.
6 That whole system down there has scared me for a whole
7 series of reasons. I mean when I see certain
8 jurisdictions and -- I'll use an absurd number because I
9 don't know what yours is. When I see a city at 70 percent
10 diversion and the next one at 15, it doesn't take a rocket
11 scientist to understand that some of that city's waste is
12 going over to the guy that's at 15.

13 And so this agency could help facilitate cleaning
14 some of that up if they, you know -- there's a
15 possibility, anyway, that we could --

16 MS. COCA: It certainly would be part of our work
17 plan. And when we do a consolidated base year, which
18 we're planning on in a couple of years, that will have to
19 be part of it.

20 But as we've mentioned many times before,
21 focusing on the programs and getting those programs
22 implemented is going to make a much bigger difference than
23 the fluctuations in the DRS that we know happen,
24 especially with the smaller jurisdictions.

25 COMMITTEE MEMBER WASHINGTON: Well, it's

1 certainly going to be interesting to see, Karen, how you
2 guys work out. When I was with the county we always had
3 the issue of this cross-jurisdiction with trash over in
4 L.A. County. As Steve said, you know, one city has a 70
5 percent rate, the other city, and then you walk across the
6 street, you're in another city. It's amazing how that has
7 always been the issue in L.A. County. And I just -- I
8 mean I'm dying to see how you guys figure that whole thing
9 out and what system you put in place of tracking where
10 that stuff comes from and all that. But good luck to you
11 guys in terms of -- hopefully you can be successful in
12 doing so. It's going to be a big task to get that done.

13 MS. COCA: Yes. Well, good luck to Waste Board
14 staff, who are wrestling with that as we speak, how to
15 track those numbers.

16 And just one comment on the DRS. We've had staff
17 members from other cities call us and ask if they are a
18 suburb of Los Angeles. So it really is an interesting
19 situation down in Los Angeles County.

20 CHAIRPERSON JONES: I appreciate you answering
21 our questions now. I would ask that you take your time
22 and make your presentation.

23 MS. COCA: Well, as I mentioned, I will be brief.
24 I do though have to give a little bit of background for
25 the record. And also there have been several issues and

1 questions that continually come up that I think I need to
2 address very briefly.

3 The background on the formation of this regional
4 agency. This has been an effort that has -- well, our
5 first meeting where we actually asked cities if they would
6 be interested in this concept was a year and a half ago.
7 The planning for it began before that.

8 We actually had discussions with Elliot before
9 that about the types of formation agreements, if it would
10 be possible. The very genesis of this was I was invited
11 to sit on the SB 2202 working group. And I met people
12 from around the state, regional agencies, city folks,
13 county folks, and I found that we had a lot of the same
14 issues. But I noticed that the regional agencies, there
15 tended to be a more unified approach to dealing with the
16 problems. It tended to help with the disposal reporting
17 system issues. There seemed to be a positive response to
18 a regional agency by staff -- Board member staff because
19 they mentioned several times that they could go to a
20 meeting and address a number of jurisdictions and it was
21 easier to get the word out.

22 I was also told by a regional agency -- a couple
23 of regional agencies that, you know, doing competitive
24 grants at times was easier because it was for many
25 jurisdictions. And, you know, that is one of the scoring

1 criteria.

2 So I thought, "Well, why don't we do it?" There
3 are 22 regional agencies in the state and none in southern
4 California. After having our first formation meeting, I
5 found out in short order why that is.

6 Everyone wants to do things on their own. They
7 look at a joint powers where they give up any semblance of
8 authority with suspicion, at the very least.

9 The promotion and the discussion of this was as a
10 tool, because so many cities have been wrestling with the
11 issues of meeting their compliance requirements for so
12 long, and also as an overall cost-saving device.

13 I just want to point out a few things. The CIWMB
14 staff, we've been talking to them since the beginning.
15 We've been trying to work very closely with them. And I
16 have to say that as soon as it came to them that they were
17 going to have to place our regional agency under a
18 compliance order when we were formed, they called me
19 immediately to let me know.

20 COMMITTEE MEMBER WASHINGTON: Well, not so much
21 to let you know, but to know why you want to do this.

22 MS. COCA: Well, that's one of the -- actually
23 that's on my list of questions.

24 The way this has been formulated, it is a limited
25 partnership. The JPA will take the reporting requirements

1 and, therefore, the responsibility for AB 939 compliance.
2 But the cities are still individually responsible for
3 their programs. And that's where the challenging will be
4 over the next couple of years.

5 The issues that have been brought up, the main
6 one is why is the City of L.A. doing this?

7 We've met our requirements. We have the numbers.
8 We have many, many programs and I'm happy to say three or
9 four more coming on line this fiscal year.

10 Why are we doing this?

11 We need -- I don't want to get too much into my
12 own philosophy, but I feel that the cooperation among
13 jurisdictions needs to be improved. I think that working
14 together regionally needs to be improved in our area and
15 that that's the way we're going to meet some of these
16 mandates. Because when you have a system -- a solid waste
17 system, landfills, transfer stations, they generally
18 aren't for a single jurisdiction. They are generally a
19 group of jurisdictions. And I think that we need to work
20 together more cooperatively.

21 It saves us money, I mean to be perfectly honest.
22 My last base year cost a million dollars. I have learned
23 a lot from that experience. And, one, is that for a very
24 small incremental cost we can include the other
25 jurisdictions in a new base-year study. Some of the money

1 coming in from the fees will be put into a reserve fund to
2 be used for a new base year, along with a contribution by
3 the City of Los Angeles. And when we do our regional base
4 year, we will use that money. It's going to save the City
5 of Los Angeles some money.

6 Compliance. It helps us streamline our
7 reporting. We're developing some tools for the agency
8 which will also be helpful for the City of Los Angeles for
9 reporting. We're working with Waste Board staff now on
10 how to report both in a separate and a consolidated
11 fashion, what they need to see so that we can all report
12 together. And that really hasn't been done by the city
13 before, so it's going to benefit us as well.

14 We hope to apply for more competitive grants.
15 And also for us, we have some program efficiency that is
16 really going to be helped by the addition of some of these
17 members.

18 If you're not aware of the geography of the City
19 of Los Angeles. We have south L.A., which in one case is
20 a narrow strip that binds the very southern portion of
21 L.A., the south L.A. area to the harbor area. Well that
22 area tends to be underserved because of its geographical
23 nature. Folks have to travel.

24 We get more cities that are geographically
25 contingent -- contiguous -- sorry -- in that area. We can

1 do more of our programs there. Like we do backyard
2 composting demonstrations and things like that, things
3 that we can offer our regional agency members at very
4 little incremental cost to us. And it helps us serve the
5 underserved areas of our city as well.

6 Gosh, just program efficiency. We're hoping to
7 do a lot more. And we also enjoy being a leader. We also
8 enjoy doing things first. And to me this is a great
9 example of what we can do.

10 There were some questions about -- well, two
11 things I want to address. One is about the number of
12 cities versus the number of cities in the county, the fact
13 that not all are contiguous. And the other one has to do
14 with, how do we deal with cities' nonperformance?
15 Although we went through that with the questions pretty
16 much.

17 At this point we're proposing that 15 cities form
18 this regional agency. There is precedent for
19 non-contiguous city's in a JPA. But also the reality is
20 is that it's a voluntary program. The cities pay a fee.
21 Many cities, even if they do have, you know, some things
22 that we could provide for them, have adopted a
23 wait-and-see attitude. They want to see if it's going to
24 be real, if we're going to perform, if we're going to do
25 the things that we say we're going to do. And that is

1 prudent.

2 But the 15 cities that have started this, we're
3 very fortunate in that we have a mixture of cities --
4 large, small, different demographics, affluent
5 communities, those that are not as affluent, some that are
6 in compliance, some that have to do a few things, others
7 that need a little more significant help. I think that if
8 we can go through and show that we can help out these
9 folks and also to provide the kind of services that we
10 plan to provide through the agency, that you're going to
11 see a lot more cities. And then we can start tackling the
12 issues of the disposal reporting system and how it affects
13 a lot of jurisdictions.

14 Or get away from it completely and implement the
15 programs and make sure that everybody's meeting their
16 requirements, but also to go beyond that and to continue
17 to attack this landfill problem.

18 Now, as far as nonperformance, I just want to
19 bring up a couple things. First is that we plan on
20 assisting these cities. I mean there are procedures and
21 the bylaws and also in the contract where if someone just
22 flat out is not doing what they say they're going to do,
23 that they can be removed from the agency.

24 Those are safeguards. What we intend on is
25 assisting cities to work together, and with our help, to

1 meet their requirements.

2 We will, however, be monitoring. I will not be
3 sitting on my fanny in my office being surprised when all
4 of a sudden an item comes up before your Board saying one
5 of my cities isn't doing what they should be doing. I
6 plan on speaking to Local Assistance staff on a very
7 regular basis, being involved with issues with them, and
8 trying to help them facilitate things. And that's where I
9 want to bring up my more recent example.

10 One of the compliance order cities decided they
11 have a whole new way of hauling. And so instead of having
12 a contract, they're going to do an MOU with a new start-up
13 company and actually do their own hauling.

14 This agreement -- there was a concern on the
15 Waste Board staff's part that the compliance plan, which
16 had already been seen by the city, needed to be -- still
17 needs to be incorporated in this agreement between this
18 new hauler and the compliance order city to make sure that
19 it's built into the rate structure and that these programs
20 get done. Well, after talking to Local Assistance staff,
21 the very next day my staff met with the head of that
22 start-up company, went through the compliance order plan
23 for that city. And I actually have a list of the things
24 that are already in development and the things that
25 they're going to do.

1 And we will make sure with the Waste Board staff
2 and the City Manager, who's on vacation from the city
3 right now, or I would have talked to him by now, that
4 these things will be incorporated and this city will --
5 you know, those compliance order requirements will be
6 incorporated in the new agreement. And I think that's
7 where we can help.

8 It doesn't take a lot of time from us. Since
9 they signed the Joint Powers Agreement there is that
10 ability for us to actually talk to them. But we are also
11 assisting them, making sure that they know that these are
12 the things they need to do so if they do have a change of
13 city managers, city council, you know, staff, that these
14 things continue on. And I think that that's a perfect
15 illustration of where we can get on a problem and actually
16 help Waste Board staff in solving it.

17 CHAIRPERSON JONES: Karen, I think that that
18 compliance order you're talking about, if I remember
19 right, they had said that they were going to negotiate
20 with their hauler to include all of the programs that they
21 had identified -- that have been identified in the
22 compliance order to be part of their -- to do it right. I
23 mean that's as I remember it.

24 So, you know, I guess I would be nervous too if I
25 was staff, because that was what they had asserted to us

1 that they would do.

2 MS. COCA: Well, and then we need to make sure
3 that those programs are also in their agreement; and like
4 I said, that their rate structure reflects that, so that
5 there is no confusion six months from now.

6 CHAIRPERSON JONES: So they have a memorandum of
7 understanding with the new hauler and --

8 MS. COCA: That's what they've been working on.
9 The city manager's currently on vacation.

10 CHAIRPERSON JONES: And that precedes a contract?

11 MS. COCA: I believe it is just a memorandum of
12 understanding. It's not a franchise contract situation.

13 CHAIRPERSON JONES: Interesting.

14 MR. USELTON: I can comment, just --

15 CHAIRPERSON JONES: You guys never fail to
16 surprise me.

17 MR. USELTON: -- we have met with the city that
18 we're talking about. And Board staff intends to bring an
19 item back before the Board next month to give you a full
20 update on what's happening. But that city has entered
21 into a joint venture agreement. And my understanding,
22 that the joint venture agreement was actually approved by
23 the council. But the actual proposal that is being
24 considered needed to be revised and brought back to the
25 council before it could be approved as part of the

1 contract for the joint venture agreement.

2 CHAIRPERSON JONES: So it's a public/private
3 partnership for collection or whatever?

4 MR. USELTON: Right. In the interim the city
5 will maintain the services that it had already put in
6 place.

7 CHAIRPERSON JONES: Interesting.

8 MS. COCA: So what I'm asking today -- and about
9 the one comment about the compliance order and the
10 regional agency, is what I've been telling everybody all
11 along. I'm not happy with it, but I accept the staff's
12 recommendation.

13 So I would ask that you approve these items and
14 send them forward to the full Board and give us a chance
15 to show you what we can do. And if all goes well and if
16 we do our job right, then hopefully we can attack some of
17 these larger problems.

18 COMMITTEE MEMBER WASHINGTON: Just briefly, in
19 terms of the 15 cities that are part of this joint, what
20 was the outreach for all 88 cities down in southern
21 California?

22 MS. COCA: We had a series of formation meetings.
23 We had the first in January of '02. We called, E-mailed,
24 sent letters to all 89 jurisdictions. In fact, the
25 participation at the meetings exceeded 50 cities per

1 meeting were represented. Plus we had, you know, county
2 sanitation districts just sitting in, listening. And so
3 there was a lot of participation in the development of the
4 joint powers for many of these jurisdictions. They
5 reviewed it, although they didn't, you know, sign up right
6 away.

7 CHAIRPERSON JONES: Mr. Paparian has -- or Board
8 Member Paparian has been in the audience the entire time
9 listening to our Committee. And I'll just -- if he has
10 any questions or anything, I'll offer him that opportunity
11 to ask.

12 BOARD MEMBER PAPARIAN: Thank you. I'm just
13 absorbing it all.

14 CHAIRPERSON JONES: Okay. Not a problem.

15 All right. Thanks, Ms. Coca.

16 MS. COCA: Thank you.

17 BOARD MEMBER PAPARIAN: If there isn't any other
18 discussion, neither one of these items, I don't think, are
19 going to go on consent. But we are going to take a vote
20 and give the Board our best thinking on this thing.

21 Mr. Washington.

22 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I'd like
23 to move adoption of Resolution 2003-399, consideration of
24 the Los Angeles Area Integrated Waste Management Authority
25 Regional Agency Formation Agreement for the cities or

1 Artesia, Beverly Hills, Duarte, Gardena, Hidden Hills, Los
2 Angeles, Lynwood, Manhattan Beach, Pomona, Rancho Palos
3 Verdes, Redondo Beach, Rosemead, Sierra Madre, South Gate,
4 and Torrance.

5 CHAIRPERSON JONES: And I'll second.

6 We'll substitute the previous roll.

7 And I think probably a brief agenda item.

8 Whatever you have to do. I don't know how the other
9 members are, but it will go to them.

10 All right. Mr. Washington.

11 COMMITTEE MEMBER WASHINGTON: I'd like to move
12 adoption of Resolution 2003-400, consideration of issuance
13 of a compliance order relative to the Los Angeles Area
14 Integrated Waste Management Authority Regional Agency, Los
15 Angeles County.

16 CHAIRPERSON JONES: And I'll second.

17 We'll substitute the previous roll, as a
18 recommendation, with a 2-0 vote that the agency be put on
19 a compliance order.

20 This will go forward to the full Board with our
21 recommendation that both of these items go through.

22 We appreciate the effort. I know it's been a lot
23 of work. You're getting closer.

24 This was our last item.

25 Are there any comments from the public?

1 Any comments from staff?

2 We are adjourned. Thank you very much.

3 (Thereupon the California Integrated Waste

4 Management Board, Sustainability and

5 Market Development Committee adjourned

6 at 12:30 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Sustainability and Market Development Committee meeting
8 was reported in shorthand by me, James F. Peters, a
9 Certified Shorthand Reporter of the State of California,
10 and thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 14th day of July, 2003.

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